



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,094	03/11/2004	Tzong In Yeh	MR2663-33/CIP/2	4599

4586 7590 02/10/2005

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER
----------

OLSON, LARS A


ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

 <b>Office Action Summary</b>	<b>Application No.</b> 10/797,094	<b>Applicant(s)</b> YEH, TZONG IN	
	<b>Examiner</b> Lars A Olson	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16-19 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 4-15, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Szabad, Jr. (US 4,850,913).

Szabad, Jr. discloses the same composite layer as claimed, as shown in Figures 1-3, that is comprised of a polyethylene foam sheet or skin, defined as Part #8, having a bottom surface and a top surface, said polyethylene foam skin having a density in the range of 1 to 10 PCF, as described in lines 24-32 of column 2, a plastic board, defined as Part #4, having a surface that is heat laminated to said top surface of said polyethylene foam skin, and a film, defined as Part #6, that is heat laminated to said bottom surface of said polyethylene foam skin, as shown in Figure 3.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glydon et al. (US 5,658,179) in view of Schneider et al. (US 5,211,593).

Glydon et al. discloses a sports board, as shown in Figures 2 and 3, that is comprised of a foam core, defined as Part #30, with a top surface, a bottom surface and edge surfaces, a top layer, defined as Part #32, that is heat laminated to said top surface and edge surfaces of said foam core, as shown in Figure 2, and a bottom layer, defined as Part #32, that is heat laminated to said bottom surface of said foam core.

Glydon et al., as set forth above, discloses all of the features claimed except for the use of a top layer that is comprised of a first outer film, a first pattern that is printed on a bottom surface of said first outer film, and a first inner film that is heat laminated to said bottom surface of said first outer film.

Schneider et al. discloses a foam-core structure with a graphics-imprinted skin, as shown in Figures 1-4, said structure having an outer layer that is comprised of a first outer film, defined as Part #42, a first graphics pattern that is printed on a bottom surface of said first outer film, as shown in Figure 2, and a first inner film, defined as Part #44, that is heat laminated to said bottom surface of said first outer film.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a foam-core structure with an outer layer comprised of a first outer film, a graphics pattern, and a first inner film, as taught by Schneider et al., in place of the top layer of the foam-core sports board as disclosed by Glydon et al. for the purpose of providing a foam-core sports board with an outer skin having graphics that are encased within said outer skin.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glydon et al. in view of Schneider et al., and further in view of Szabad, Jr.

Glydon et al. in combination with the teachings of Schneider et al. shows all of the features claimed except for the use of a polyethylene foam skin with a top surface that is heat laminated to a film, and a bottom surface that is heat laminated to a surface of a foam core.

Szabad, Jr., as previously cited, discloses a sports board that is comprised of a polyethylene foam sheet or skin, defined as Part #8, having a bottom surface and a top surface, said polyethylene foam skin having a density in the range of 1 to 10 PCF, as described in lines 24-32 of column 2, a foam core, defined as Part #4, having a surface that is heat laminated to said bottom surface of said polyethylene foam skin, and a film, defined as Part #6, that is heat laminated to said top surface of said polyethylene foam skin, as shown in Figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a polyethylene foam skin and a film in combination to form a top layer for a foam-core sports board, as taught by Szabad, Jr., in combination with the foam-core sports board as disclosed by Glydon et al. and the teachings of Schneider et al. for the purpose of providing a foam-core sports board with an outer skin having graphics that are encased within said outer skin, as well as an inner polyethylene foam skin to provide increased resistance to water absorption by said foam core.

6. Claims 16-18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. in view of Szabad, Jr.

Schneider et al., as set forth above, discloses all of the features claimed except for the use of a polyethylene foam skin with a top surface that is heat laminated to a film, and a bottom surface that is heat laminated to a surface of a film or a plastic board.

Szabad, Jr., as previously cited, discloses a sports board that is comprised of a polyethylene foam sheet or skin, defined as Part #8, having a bottom surface and a top surface, said polyethylene foam skin having a density in the range of 1 to 10 PCF, as described in lines 24-32 of column 2, a plastic board, defined as Part #4, having a surface that is heat laminated to said bottom surface of said polyethylene foam skin, and a film, defined as Part #6, that is heat laminated to said top surface of said polyethylene foam skin, as shown in Figure 3. Said polyethylene foam skin can also have said film heat laminated to its bottom surface, depending upon its orientation on said sports board, as shown in Figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a polyethylene foam skin with a top surface that is heat laminated to a film, and a bottom surface that is heat laminated to a surface of a film or a plastic board, as taught by Szabad, Jr., in combination with the foam-core structure as disclosed by Schneider et al. for the purpose of providing a foam-core sports board with an outer skin having graphics that are encased within said outer skin, as well as an inner polyethylene foam skin to provide increased resistance to water absorption by said foam core.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. in view of Szabad, Jr., and further in view of Irby (US 5,558,551).

Schneider et al. in combination with the teachings of Szabad, Jr. shows all of the features claimed except for the use of a sports board with two holes for handholds.

Irby discloses a water sports board, as shown in Figures 1-6, that includes a pair of holes, defined as Part #18, that are utilized as handholds, as shown in Figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a sports board with a pair of holes for handholds, as taught by Irby, in combination with the foam-core sports board as disclosed by Schneider et al. and the teachings of Szabad, Jr. for the purpose of providing a foam-core sports board with an improved gripping and holding means for a rider.

#### ***Allowable Subject Matter***

8. Claims 4-15, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

February 8, 2005

LARS A. OLSON  
PRIMARY EXAMINER

*Lars Olson*  
2/8/05